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*(Handwritten initials)*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/631,173	04/11/96	ANDERSON	<i>(Handwritten marks)</i>

LM02/0723  
CARR DEFILIPPO AND FERRELL  
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AUDUONG, J	EXAMINER
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ART UNIT	PAPER NUMBER
2712	

DATE MAILED: 07/23/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/631,173**

Applicant(s)  
**Anderson**

Examiner  
**Gene N. Auduong**

Group Art Unit  
**2712**



☒ Responsive to communication(s) filed on Jun 1, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) 1, 2, 4, 10, and 16 is/are withdrawn from consideration.

☒ Claim(s) 3, 5-9, 11-15, and 17-20 is/are allowed.

☒ Claim(s) 21-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Response to Arguments***

1. Applicant's arguments with respect to claims 21-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 recites “an imaging device for generating raw image data responsive to an image capture request; a memory buffer for initially storing the raw image data; first routines for conveying the initially storing the raw image data away from the frame buffer to a second memory location to provide space for storing additional, subsequently captured images.” Figure 2 and its respective disclosure in page 8-10 of the specification disclose that “image sensor 24 responsively generates a set of raw image data representing the captured image 12. The raw image data is then routed through ASP 28, A/D converter 30 and DSP 40. DSP 40 has outputs coupled to lines 35, 38 and 42 for controlling ASP 28, motor 32 and timing generator 26. From DSP 40, the raw image data passes over external bus 16 to computer 18.” Consequently, the original specification does not provide support for “an imaging device for generating raw image data responsive to an

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image capture request; a memory buffer for initially storing the raw image data; first routines for conveying the initially stored raw image data away from the frame buffer to a second memory location to provide space for storing additional, subsequently captured images” as now claimed in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or which it is most nearly connected, to make and use the same without undue experimentation.

Claims 22-23 are rejected to as being dependent upon the rejected claim 21.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, lines 8-9, the phrase “the routine for compressing *raw image data* has priority over the routine for compressing *raw image data*” is not understood. It is unclear how the same routine can have priority over itself.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 21-<sup>22</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US # 5,633,678).

Regarding claim 21, Parulski et al. disclose an electronic still camera as in figure 2 comprising an imaging device (CCD 12) for generating raw image data responsive to an image capture request; a memory buffer (18) for initially storing the raw image data; first routines for conveying the initially stored raw data away from the frame buffer to a second location to provide space for storing additional, subsequently captured images (col. 4, lines 23+); second routines for processing said raw image data and for storing the processed image data (col. 4, lines 34+); and a central processing unit (digital signal processor 22) coupled to the imaging device and to the memory buffer, for executing according to a predetermined set of priorities the first and second routines (col. 4, lines 29+).

Parulski et al. do not specifically state wherein the first routines are assigned priority over the second routines to thereby facilitate the rapid conveyance of raw image data away from the

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frame buffer. Note that, the first routines are clearly priority over the second routines because of raw image data must be stored in the buffer memory first, and up to a certain amount of image data. The second routines are then processing the image data in the buffer memory so as there is space to store new capture images.

Regarding claim 22, the claimed first routines for conveying the initially stored raw image data from the frame buffer to a Ram disk is met by Parulski et al. who disclose the algorithm memory 28, which supplies the operating code to the digital processor 22 to process, and store the image data in the buffer to the memory card 24 or other storage devices (col. 4, lines 41+). Further more, RAM disk is a virtual memory, which is well known in the DOS or APPLE computer operating system, is created to temporary stores the data files so as the system can process the data file more sufficient and speed up the system.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any**

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**extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.**

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington. VA., Sixth Floor (Receptionist).

**8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gene Auduong** whose telephone number is (703) 305-1460. The examiner can normally be reached on Tuesday - Friday from 8:30 to 5:30 p.m.. The examiner can also be reached on alternate Monday.**


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



GA  
July 10, 1998

  
**WENDY GARBER**  
**PRIMARY EXAMINER**  
*Supervisor*